



Washington University in St. Louis

SCHOOL OF LAW

Civil Justice Clinic
Interdisciplinary Environmental Clinic

February 7, 2013

Genevieve Damico
Air Permits Section
U.S. EPA Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590
Damico.Genevieve@epamail.epa.gov
VIA Email

Re: Title V Permit No. V-IL-1716300103-08-01

Dear Ms. Damico:

On behalf of the American Bottom Conservancy and pursuant to 40 C.F.R. § 71.11(g), the Interdisciplinary Environmental Clinic at Washington University in St. Louis requests an extension of the public comment period on the draft significant modification to Title V Permit No. V-IL-1716300103-08-01 (draft permit) for Veolia ES Technical Solutions, L.L.C. (Veolia), which currently ends on March 15, 2013. We are requesting an extension so that we will have sufficient time to review EPA documents pertaining to and necessary to fully understand the draft permit, which we have requested from Region 5 via FOIA but have not yet received.

We submitted our FOIA request to the EPA on September 24, 2012, well in advance of the anticipated draft permit publication date. Prior to doing so, on September 19, 2012, we discussed our anticipated request with you, Andrea Morgan and David Ogulei of your staff, and FOIA coordinator Julie Capasso, and indicated that we were seeking documents related to the establishment of feedrate limits for hazardous air pollutant for Veolia's incinerators, which we understood to be the primary purpose of the forthcoming draft permit, with the intent of using them to evaluate the permit and prepare comments on it. On October 10, 2012, the EPA responded to our request in a letter stating that due to the large volume of documents involved in our request, the EPA was placing it on the complex track pursuant to 40 C.F.R. § 2.104. On October 29, 2012, the EPA sent a follow-up letter stating that it expected to complete its response to our request by December 3, 2012. On November 15, 2012, we received an email stating that EPA was extending the proposed due date for completion of its response until January 18, 2013 and would work to prepare an interim response by December 3, 2012. However, we did not receive an interim response by that date, and on January 22, 2013, two weeks after the draft permit was made available for public comment, we received another email

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stating that EPA was once again extending the estimated date for completion of its response until February 28, 2013.

Assuming the EPA does not extend the deadline again and completes its response to our FOIA request by February 28, we will only have 15 days to review what EPA has described as “voluminous responsive hard copy and electronic documents” and prepare and submit our comments on the draft permit. We do not believe that this is sufficient time to properly assess the documents to evaluate the draft permit. Therefore, we request an extension of the public comment period to 30 days from the date the EPA responds to our FOIA request. If EPA responds on February 28 as planned, this will extend the deadline to March 30, 2013. This extension should give us sufficient time to review the documents that EPA has expended considerable effort compiling and to use them as a basis for comment on the draft permit.

Thank you for your time and consideration.

Sincerely,

Kristhy St. Hilaire
Varsha Mangal
Kenneth Miller
Elizabeth Hubertz

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